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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): Steve Mitchell

Appln. No.: 10/684,668

Confirm. No.: 3396

Filed: October 14, 2003

Title: ARTIFICIAL VERTEBRAL DISK
REPLACEMENT IMPLANT WITH
CROSSBAR SPACER AND METHOD

PATENT APPLICATION

Art Unit: 3738

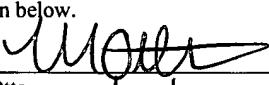
Examiner: Bruce Edward Snow

Atty. Docket No.: KLYCD-05008US1

Customer No. 23910

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

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Mathew Ott

(Signature)

Signature Date: 2/10/2006

REPLY TO OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply is in response to the Office Action dated December 12, 2005. A Declaration of Steve Mitchell Under 37 C.F.R. § 1.131, a Fee Transmittal Sheet and a check to cover the required fees accompany this Reply.

Amendments to the Claims begin on page 2.

Remarks begin on page 11.

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2005

 Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)
200.00

Complete if Known

Application Number	10/684,668
Filing Date	10/14/2003
First Named Inventor	Steven T. Mitchell
Examiner Name	Bruce Edward Snow
Art Unit	3738
Attorney Docket No.	KLYCD-05008US1

METHOD OF PAYMENT (check all that apply)

- Check Credit Card Money Order None Other (please identify): _____
- Deposit Account Deposit Account Number: **06-1325** Deposit Account Name: **23910 - Fliesler Meyer LLP**
- For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
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- Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 Credit any overpayments

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent

50 25

Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent

200 100

Multiple dependent claims

360 180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
<u>37</u>	- 40 or HP = <u>0</u>	x <u>0.00</u>	= <u>0.00</u>

HP = highest number of total claims paid for, if greater than 20

Multiple Dependent Claims	
Fee (\$)	Fee Paid (\$)

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
<u>11</u>	- 9 or HP = <u>2</u>	x <u>100.00</u>	= <u>200.00</u>

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____	- 100 = _____	/ 50 = _____ (round up to a whole number)	x _____	= _____

Fees Paid (\$)

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: _____

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 50,342	Telephone 415.362.3800
Name (Print/Type)	Anthony G. Craig	Date 2/16/06	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket No.: KLYCD-05008US1 SRM/AGC